THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.No.9375 of 2007

Dated 30-04-2007

Grandhi Kamaraju

…Petitioner

And

Sub Registrar, Visakhapatnam and another.

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.No.9375 of 2007

ORDER:

The petitioner claims to have purchased an extent of Ac.4.18

cents of land in Sy.No.153/3 of Paradesipalem Village, Visakhapatnam District, from the owners of the said land, through a document dated 23-10-2006. The document was presented for registration before the 1st respondent. It was assigned Pending Registration Number, being 368 of 2006, on 17-11-2006. Petitioner submits that on the basis of the instructions, received by the 2nd respondent, to follow the memo dated 13-11-2006, issued by the Commissioner and Inspector General of Registration and Stamps, the 1st respondent is keeping the document pending. It is contended that the action of the respondents, in keeping the document pending, is untenable in law.

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue.

The Commissioner and Inspector General of Registration and Stamps issued a Circular dated 13-11-2006, directing all the District Registrars, to instruct the Sub-Registrars, not to register the documents, even where clearance certificates are issued by the Mandal Revenue Officers. It was insisted that, unless the certificate issued by the Mandal Revenue Officer is confirmed by the District Collector, the document must not be registered.

In another matter, the validity of the very Circular Memo was examined. On noticing that the memo is not only contrary to law, but is also derogatory, the Commissioner and Inspector General of Registrar and Stamps, had withdrawn the same. Therefore, the respondents cannot rely upon the memo dated 13-11-2006.

The circular is the only basis for withholding the registration of the documents. A fresh view needs to be taken by the 1st respondent. On the other hand, if there exist any reasons, for not registering the document, the 1st respondent is under obligation to communicate the

same to the petitioner.

Hence, the writ petition is disposed of, directing the respondents to process the sale deed dated 23-10-2006, presented by the petitioner, without reference to the circular memo dated 13-11-2006. If there exist any other reasons, for not registering the document, the same shall be communicated to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.30-04-2007.

KO